

## UTAH DIVISION OF SOLID AND HAZARDOUS WASTE USED OIL TRANSPORTER PERMIT

**Abstract:** *Commercial Fuel Recycling, LLC, (Commercial Fuel Recycling) operates a used oil processing and transportation facility in Nampa, Idaho. Its used oil transporter operations for Utah are based at this facility. Commercial Fuel Recycling submitted its initial used oil transporter permit application April 24, 2006, but did not complete the permitting requirements until November 5, 2007. In general, this permit allows Commercial Fuel Recycling to collect and transport used oil in Utah and deliver on-specification used oil to Utah burners from its Nampa, Idaho facility. Prior to collecting used oil in Utah, Commercial Fuel Recycling will ensure it is not collecting hazardous waste by either testing each load of used oil using a Dexsil CLOR-D-TECT test kit (or equivalent method as approved by the Executive Secretary), or obtaining appropriate Utah-certified laboratory results to screen for total halogen concentrations prior to collection and transportation. Used oil collected in Utah which passes the total halogen screen will then be transported to Commercial Fuel Recycling's used oil processing facility in Nampa, Idaho. When delivering on-specification used oil to Utah businesses, Commercial Fuel Recycling will ensure that the used oil has been properly tested and is accompanied with an appropriate cross-reference to the applicable test results.*

**Permittee Name:** Commercial Fuel Recycling, LLC

**Permittee Address:** 7336 Coral Court  
Nampa, ID 86387

**Facility Address:** 720 North Sugar Street  
Nampa, ID 86387

**Facility Telephone #:** (208) 468-3835

**Facility Contact/Owner:** Randy Blackburn

**Facility Contact's Telephone #:** (208) 465-5296

**Facility Contact's E-Mail Address:** randyblackburn@cableone.net

**Facility Fax #:** (208) 442-2829

**Permit #:** UOP-100

**EPA I.D. #:** IDR000201475

By this permit to operate, **Commercial Fuel Recycling, LLC**, (hereafter referred to as Permittee) shall be subject to the following conditions:

1. General

The Permittee shall collect and transport used oil in accordance with all applicable requirements of R315-15 of the Utah Administrative Code (UAC) and of the Used Oil Management Act (19-6-701 et seq.) Utah Code Annotated unless otherwise noted in this permit.

2. Permit Revocation

a. Any noncompliance with this permit or the above mentioned regulatory documents, other than activities authorized by a variance from the Executive Secretary Utah Solid and Hazardous Waste Control Board Executive

Secretary), constitutes a violation and is grounds for enforcement action, permit termination, permit revocation or denial of a permit renewal application.

b. The Executive Secretary shall notify, in writing, the owner or operator of any facility of intent to revoke a permit or registration.

### 3. Permit Modification

a. Modifications to this permit shall only be authorized by the Executive Secretary, and the Permittee shall be given written notice of any permit modifications.

b. The Executive Secretary may make modifications as necessary or as a result of statutory or regulatory changes.

c. If the Permittee wishes to request modification to any item or activity covered by this permit, the Permittee must submit a written permit modification request to the Executive Secretary. This includes minor informational changes (e.g., telephone number, responsible party, mailing address etc.) which must be requested within 20 days of the change or any minor or major modification to the Permittee's used oil operations, collection methods or procedures, types of transportation vehicle/railcars or other items covered by this permit. If the Executive Secretary determines any modification request is substantive, a public hearing, a 15-day public comment period or both may be required before the modifications are approved.

d. Any permit modification request must be approved by the Executive Secretary before it becomes part of this permit. Implementing modifications prior to the Executive Secretary's approval may constitute a violation of the permit and may be grounds for enforcement action, permit termination, revocation or denial of a permit renewal.

### 4. Used Oil Operations

a. The Permittee shall be allowed to collect and transport used oil throughout the state of Utah in the manner and following the methods and procedures described in the attached sections.

b. The Permittee shall not store used oil in Utah for more than 24 hours, without first obtaining a used oil transfer facility permit or used oil processor permit from the Executive Secretary.

### 5. Maintenance and Spill Prevention

a. The Permittee shall maintain and operate all used oil associated equipment and facilities to minimize the possibility of fire, explosion or sudden or non-sudden release of used oil to air, soil or surface water which could threaten human health and the environment.

b. The Permittee shall inspect and maintain used oil equipment and vessels on a regular basis to insure compliance with this section.

c. Used oil drips, spills and releases shall be identified and cleaned up immediately, and corrective measures shall be taken to prevent future releases.

### 6. Record Retention

The Permittee shall maintain all applicable used oil transportation associated records required by R315-15 UAC and all records required by this permit at the location listed in the attached "General Used Oil Operations" section for a minimum of three years.

### 7. Rebuttable Presumption/Sampling and Statistical Analysis

The Permittee shall follow the attached "Rebuttable Presumption – Analysis Plan" section which describes procedures to be used by the Permittee to comply with the analysis requirements of R315-15-4.5 UAC.

### 8. Prohibited Waste

a. No quantity of hazardous waste, as defined by R315-1 and R315-2 UAC, or PCBs, as defined by R315-301-2(52) UAC, shall be mixed with used oil by the Permittee.

b. Used oil shall not be placed in trucks or tanks previously used to transport hazardous waste unless these trucks or tanks are emptied and cleaned as described in R315-2-7.

9. Used Oil Transportation

- a. The Permittee shall be allowed to collect/transport/deliver used oil using the licensed and insured transport truck types listed in the attached “Used Oil Transport Vehicles” section and in the manner described in the “Loading – Unloading Procedures” section.
- b. The Permittee may not begin transporting any used oil in additional types of trucks or vehicles until the Executive Secretary has approved the additional types of trucks or vehicles, including associated procedures, and amended this permit in writing.
- c. The Permittee shall provide an updated “Vehicle” listing when requested by the Executive Secretary.
- d. The Permittee shall comply with Department of Transportation regulations and all local government regulations regarding used oil transportation, storage and delivery.

10. Emergency Controls/Spill Plan.

- a. The Permittee shall take all reasonable steps to minimize releases to the environment and shall carry out such measures as are necessary to protect public health and the environment, and the Permittee shall comply with all applicable requirements of R315-15-9 UAC.
- b. In the event of a release of used oil, the Permittee shall immediately take appropriate action to minimize the threat to human health and the environment. It shall not constitute a defense, for the Permittee in an enforcement action, that it would have been necessary to halt or reduce the Permittee’s business activity in order to maintain compliance with the conditions of this permit.
- c. The Permittee shall follow the Emergency Controls required by R315-15-9 UAC and the procedures listed in the attached “Spill Plan” section.

11. Used Oil Training.

The Permittee shall follow the training and documentation procedures listed in the attached “Used Oil Training Plan” section.

12. Waste Disposal.

All wastes generated during used oil operations will be handled according to procedures outlined in the attached “Waste Disposal” section, and the wastes will be taken to an appropriate facility permitted to handle the type of waste generated.

13. Liability/Financial Requirements.

- a. The Permittee shall maintain liability coverage/financial mechanism for any liability resulting from the Permittee’s operations or accidental spills or mishandling of used oil (e.g., bodily injury, property damage, and damage to third parties) arising from operations of the vehicles, facility, or group of facilities as required by R315-15-10 UAC and as documented as part of this permit application.
- b. Changes in extent, type, or amount of the liability/financial mechanism will be considered a permit modification requiring notification to and approval from the Executive Secretary, unless these changes are simply increases resulting from inflation adjustments.
- c. The Permittee shall provide the Executive Secretary with documentation before the expiration date of the current liability coverage/financial mechanism to verify that coverage is being maintained and renewed.

14. Used Oil Handler Certificate.

- a. All used oil transporter Permittees are required to pay an annual used oil handler fee by December 31 of each year to obtain a Used Oil Handler Certificate from the Division of Solid and Hazardous Waste for the subsequent calendar year.
- b. The Permittee shall not operate as a used oil transporter without obtaining and maintaining a current used oil handler certificate.

15. Inspection and Inspection Access.

- a. Upon reasonable notice from the Executive Secretary, the Permittee shall provide, in Utah, all applicable records of its Utah used oil operations for inspection. Any duly authorized officer, employee, or representative of

the Utah Solid and Hazardous Waste Control Board, local health departments or both may have access to and the right to copy any records relating to used oil for the purpose of ascertaining compliance with the applicable provisions of R315-15 and the Used Oil Management Act (19-6-701, et seq.).

b. Any duly authorized officer, employee, or representative of the Utah Solid and Hazardous Waste Control Board, local health departments or both may, at any reasonable time and upon presentation of appropriate credentials, enter upon and inspect any property, premise, or place on or at which used oil is generated, transported, stored, treated or disposed of, and these officers, employees or representatives may also inspect any used oil operations, transportation vehicles, equipment and associated documents.

c. A record of the inspection may be made by photographic, videotape, electronic or other reasonable means.

d. Where such an inspection involves entry to the Permittee's property, the duly authorized officer, employee, or representative of the Utah Solid and Hazardous Waste Control Board shall provide the opportunity to have a representative of the owner, operator, or agent in charge of the Permittee's facility to be present.

16. Reporting.

As required by R315-15-13.4 UAC, the Permittee shall prepare and submit an Annual Report to the Executive Secretary by March 1 of the following year which shall include the information required by the Annual Report for Used Oil Transporters and Transfer Facilities. Annual Reports shall include the operational status of the business until such time the company has ceased doing business and closure has been completed.

17. Other Laws.

Nothing in this permit shall be construed to relieve the Permittee from the Permittee's obligation to comply with any Federal, state or local law.

18. Transfer of Permit.

This permit may not be transferred to another party or parties without prior written approval of the Executive Secretary.

19. Effective Date.

This permit shall become effective on the date the permit is signed by the Executive Secretary.

Signed \_\_\_\_\_ Date \_\_\_\_\_, 2008

Dennis R. Downs, Executive Secretary  
Utah Solid and Hazardous Waste Control Board

**Commercial Fuel Recycling, LLC**  
7336 Coral Ct, Nampa, ID 83687  
**UOP-100**

**General Used Oil Operations**  
**April 2008**

Commercial Fuel Recycling, LLC does not currently collect used oil in Utah, but may, in the future, collect used oil from Utah generators for processing in its Nampa, Idaho facility. When collecting used oil in Utah, only vehicles identified in the Vehicle section of this permit will be used. Collection procedures outlined in the Rebuttable Presumption - Analysis Plan section of this permit will be followed.

Commercial Fuel Recycling, LLC will deliver on-specification used oil fuel from its Nampa, Idaho processing facility to Utah burners using vehicles identified in this permit. Commercial Fuel Recycling, LLC will follow the procedures outlined in the Rebuttable Presumption - Analysis Plan to make the on-specification determination. Commercial Fuel Recycling, LLC will not store used oil in Utah for more than 24 hours unless it is permitted as a Utah used oil transfer facility or used oil processor.

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**Rebuttable Presumption – Analysis Plan**  
**April 2008**

To ensure that it is not collecting hazardous waste and to satisfy the rebuttable presumption requirements outlined in R315-15-4.5 UAC, Commercial Fuel Recycling, LLC will employ the following procedure prior to collecting and transporting used oil from used oil generators and facilities in Utah.

**CLOR-D-TECT KIT TESTING PROCEDURES.** All drivers will be trained in the purpose and use of *CLOR-D-TECT* test kits or appropriate equivalent method as approved by the Executive Secretary prior to field work. Drivers will ensure that samples taken from containers are representative of the used oil/material in the containers it is testing. During or prior to the first used oil pick up from new customers, drivers will check with the used oil generator to see if they have been mixing any other materials with their used oil. All customers/generators will be instructed to avoid mixing anything with used oil. All used oil picked up and transported will be tested by a Commercial Fuel Recycling, LLC driver using a new, unexpired Dexsil *CLOR-D-TECT* 1000 or Q4000 kit (or equivalent method as approved by the Executive Secretary) or by obtaining appropriate Utah-certified laboratory results to screen for total halogen concentrations prior to collection and transportation. This test will be completed prior to pumping the used oil into a Commercial Fuel Recycling, LLC truck, and each truck will have unexpired kits available at all times. Drivers will follow instructions contained with the kit. Used kits will be properly disposed of in regular garbage containers. Used oil will not be picked up if test results indicate a reading of 1000 ppm or greater (unless Commercial Fuel Recycling, LLC is given written authorization from State of Utah DEQ), and the generator will be informed of his/her options regarding disposal. *CLOR-D-TECT* test (or equivalent method) results will be written on the bill-of-lading. Spot samples from each small tank will be taken using a bailer or “drum thief/coliwasas.” Samples will be taken from as close to the center of tank as possible. Each large tank will be sampled by opening the sampling valve or in another appropriate manner for that tank. Thermo Fluids, Inc. will be allowed to composite sample up to five drums (maximum 275 gallons), provided the drums appear to contain the same material, and these samples will be mixed, stirred then tested. Drum samples will be taken from as close to the center of the drum as possible. Used oil with 20% or more water or antifreeze will be allowed to settle and separate so a representative sample can be taken, or a Dexsil *HYDRO CLOR-Q* kit will be used in place of a *CLOR-D-TECT*. *CLOR-D-TECT* test (or equivalent method) results will be written on bill-of-lading, and a copy will be left with customers.

**CLOR-D-TECT Test Kits.** All *CLOR-D-TECT* test kits used by Commercial Fuel Recycling, LLC for the purpose of satisfying this used oil analysis/rebuttable presumption plan will be current, unexpired, and used as indicated in the instructions for the kits. Commercial Fuel Recycling, LLC will ensure it is not collecting hazardous waste by either testing each load of used oil using a Dexsil *CLOR-D-TECT* test kit (or equivalent method as approved by the Executive Secretary) or obtaining appropriate Utah-certified laboratory results to screen for total halogen concentrations prior to collection and transportation.

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**Used Oil Transport Vehicles**  
**April 2008**

No rail cars will be used for transporting used oil in Utah. The following vehicles will be used for used oil transportation. No vehicle will be used unless it is appropriately licensed according to Department of Transportation regulations. Each used oil transportation vehicle and container will be clearly labeled with the words "Used Oil" in letters at least 3" high.

Year & Make	Truck Type & Capacity (truck, tanker, trailer, panel, box, tractor, flatbed or other vehicle)	VIN	License # & Issuing State
2006 Peterbilt	Truck	6D44123	AH 3313 ID
1964 TRLMB	Trailer	509138	4DG2142 ID
2002 Kenworth	Truck	INK DX4 OX3 2J8 921 27	Pending
1980 Clough	Trailer	C1571	Pending

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**Spill Plan**  
**April 2008**

A copy of this plan will be kept in each used oil transportation truck, and a copy will be filed in the main office.

Each used oil vehicle will have a 5-gallon bucket of a floor dry/absorbent material, rubber gloves, one box of oil absorbent pads, clean rags, plastic bags, and a shovel and broom for collecting used absorbent materials.

Employees will be given spill plan training before handling used oil.

All spills (any size) will be reported to the immediate supervisor after the spill has been stabilized or cleaned up.

Supervisors will review procedures with employees to recap, and to prevent further occurrences.

**Spill Response - Immediate Action Steps**

1. If necessary, notify law enforcement, fire, and medical officials by dialing 911.
2. Safeguard yourself and others. Remain at or near the scene until officials arrive. Stay at the scene until authorized to leave by an official.
3. **R315-15-9.1(a)**: Take appropriate action to minimize the threat to human health and the environment. Attempt to stop further spilling/leaking if safe.
4. Take action to prevent spill from spreading (use absorbent material, rags, and absorbent pads). Use sand, dirt, or other material, or dig a trench to contain the spill.
5. (a). Notify supervisor if assistance is needed to contain spill or clean up area.  
(b). The supervisor will immediately notify appropriate waste clean up company if necessary to assist with clean up.  
(c). The supervisor will report spills to appropriate agencies if necessary (see "Notification for Used Oil Spills" below).
6. Clean up the area after spill is collected. Collect materials in plastic bags and check with supervisor to determine where this material can be disposed of.

**R315-15-9.3 Release Clean-up**

The person responsible for the material at the time of the release shall clean up all the released material and any residue or contaminated soil, water, or other material resulting from the released material, residue, or contaminated soil, water, or other material no longer presents a hazard to human health or the environment. The clean up or other required actions shall be at the expense of the person responsible for the release.

7. Complete a "Spill Report Form" and give it to your supervisor at end of shift.



8. The supervisor will be responsible to follow up with requirements of **R315-15-9.4** reporting if the spill meets this requirement.

**Notification for used oil spills exceeding 25 gallons, or smaller releases that pose a potential threat to human health or the environment (R315-15-9.1(b) & (c))**

1. Notify the Utah State Department of Environmental Quality, 24-hour Answering Service, 801-536-4123 for used oil releases exceeding 25 gallons, or smaller releases that pose a potential threat to human health or the environment. Small leaks and drips from the vehicles are considered to be de minimis and are not subject to the release clean up provisions of R315-15-9.
2. Provide the following information when reporting the release:
  - a. Name, phone number, and address of person responsible for release.
  - b. Name, title, phone number of individual reporting.
  - c. Time and date of release.
  - d. Location of release – as specific as possible including nearest town, highway, or waterway.
  - e. Description contained on the manifest and the amount of material released.
  - f. Cause of release.
  - g. Possible hazards to human health or the environment and emergency actions taken to minimize the threat.
  - h. The extent of injuries, if any.
3. Give notice, if required by 49 CFR 171.15 to the National Response Center, 800-424-8802; and
4. Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590.

**R315-15-9.4 Reporting**

Within 15 days after any release of used oil that is reported under R315-15-9.1 (b), the person responsible for the material at the time of the release shall submit to the Board or the Executive Secretary a written report which contains the following information:

- a. The persons name, address, and telephone number;
- b. Date, time, location, and nature of the incident;
- c. Name and quantity of material(s) involved;
- d. The extent of injuries, if any;
- e. An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
- f. The estimated quantity and disposition of recovered material that resulted from the incident.

A copy of the spill report form is included in the permit application.

**Commercial Fuel Recycling, LLC**  
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**UOP-100**

**Used Oil Training Plan**  
**April 2008**

1. All employees will be given used oil training before being involved with used oil handling operations.
2. Used oil transportation and handling training will be presented on an annual basis to all employees involved in these procedures. The training will be provided during scheduled company safety meetings. Each refresher training will cover general used oil management procedures, identification of used oil and rebuttable presumption/analysis, “Emergency Controls – Spill Plan” and personal safety and protection.
3. Records of this training (including date, employee name and signature, and items covered) will be filed in each of the employee’s files, and a master copy will be kept in the company “training file”.

A copy of the used oil training form is included in the permit application.

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**Waste Disposal**  
**April 2008**

Used oil will not be processed or treated in Utah. The Commercial Fuel Recycling, LLC Nampa, Idaho facility does not have a permit to discharge to the POTW. There is no sewer or sewer hook up on our property. There are no wells and no septic system. All waters are evaporated from our process tanks. All sludge is drummed and sent to Safety-Kleen Systems Inc. for fuel blending. The waste is non-RCRA, but is manifested to a Part B RCRA hazardous waste facility for fuel blending to reduce long-term liabilities.

Oily rags, absorbent materials, and associated items and residues from spill clean ups will be bagged and drummed and sent to Safety-Kleen Systems, Inc., for disposal.